

ESTTA Tracking number: **ESTTA751847**

Filing date: **06/12/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91222999
Party	Defendant Videokall Inc.
Correspondence Address	VIDEOKALL INC 10631 BARN WOOD LN POTOMAC, MD 20854-1325 UNITED STATES cnahabed@gmail.com
Submission	Answer
Filer's Name	Charles E Nahabedian
Filer's e-mail	cnahabed@gmail.com
Signature	/Charles E Nahabedian/
Date	06/12/2016
Attachments	Response to MedExpress First RFA to Videokall 061216.pdf(225736 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 86/414,664
Published in the Official Gazette of March 31, 2015

URGENT CARE MSO, LLC,

Opposer,

v.

VIDEOKALL, INC.,

Applicant.

Opposition No. 91222999

**APPLICANT’S RESPONSE TO FIRST SET OF REQUESTS FOR ADMISSION
FROM THE OPPOSER**

Pursuant to Rule 36 of the Federal Rules Of Civil Procedure, Applicant Videokall, Inc hereby responds to and states that all of the following 19 (nineteen) statements or opinions of fact, or of the application of law to fact made by the Opposer Urgent Care MSO, LLC are untrue.

DEFINITIONS

For purposes of these Requests:

1. “Opposer” means the Opposer in this proceeding, Urgent Care MSO, LLC.
2. “Applicant” means the Applicant in this proceeding, Videokall, Inc.
3. “Opposed Application” means Application Serial No. 86/414,664, the application at issue in this proceeding.
4. “Applicant’s Mark” means the mark shown in the Opposed Application.

5. “Opposer’s Marks” refers to the following marks collectively: MEDEXPRESS (U.S. Reg. No. 3,311,726); MEDEXPRESS CORPORATE CARE (U.S. Reg. No. 3,205,430); MEDEXPRESS & Design (U.S. Reg. No. 3,519,373); MEDEXPRESS & Design (U.S. Reg. No. 3,733,948); and ME MEDEXPRESS & Design (U.S. Reg. No. 4,417,150).

REQUESTS FOR ADMISSION AS STATED BY THE OPPOSER

“REQUEST NO. 1:

When Applicant selected Applicant’s Mark, it was aware of Opposer.

REQUEST NO. 2:

When Applicant selected Applicant’s Mark, it was aware of one or more of Opposer’s Marks.

REQUEST NO. 3:

When Applicant selected Applicant’s Mark, it was aware of Opposer’s United States Trademark Registration No. 3,311,726.

REQUEST NO. 4:

When Applicant selected Applicant’s Mark, it was aware of Opposer’s United States Trademark Registration No. 3,205,430.

REQUEST NO. 5:

When Applicant selected Applicant’s Mark, it was aware of Opposer’s United States Trademark Registration No. 3,519,373.

REQUEST NO. 6:

When Applicant selected Applicant’s Mark, it was aware of Opposer’s United States Trademark Registration No. 3,733,948.

REQUEST NO. 7:

When Applicant selected Applicant's Mark, it was aware of Opposer's United States Trademark Registration No. 4,417,150.

REQUEST NO. 8:

Applicant selected Applicant's Mark based on Opposer's Marks.

REQUEST NO. 9:

Applicant intends to use Applicant's Mark on goods and services which are similar to those services for which Opposer uses Opposer's Marks.

REQUEST NO. 10:

Applicant intends to use Applicant's Mark on goods and services which are related to those services for which Opposer uses Opposer's Marks.

REQUEST NO. 11:

Applicant intends to use Applicant's Mark in the same channels of trade as those in which Opposer uses Opposer's Marks.

REQUEST NO. 12:

Third parties have commented to Applicant, either orally or in writing, that Applicant's Mark is confusingly similar to, or reminds them of, one or more of Opposer's Marks.

REQUEST NO. 13:

Consumers of goods sold under Applicant's Mark are likely to believe that the goods and services sold under Applicant's Mark originate from Opposer.

REQUEST NO. 14:

Consumers of goods sold under Applicant's Mark are likely to believe that the goods and services sold under Applicant's Mark are affiliated with Opposer.

REQUEST NO. 15:

Consumers of goods sold under Applicant's Mark are likely to believe that the goods and services sold under Applicant's Mark are sponsored by Opposer.

REQUEST NO. 16:

Third parties have commented to Applicant, either orally or in writing, that the goods and services sold under Applicant's mark originate from Opposer.

REQUEST NO. 17:

Third parties have commented to Applicant, either orally or in writing, that the goods and services sold under Applicant's mark are affiliated with Opposer.

REQUEST NO. 18:

Third parties have commented to Applicant, either orally or in writing, that the goods and services sold under Applicant's mark are sponsored by Opposer.

REQUEST NO. 19:

Applicant's Mark is confusingly similar to Opposer's Marks."

The Applicant has hereby served a written response thereto within 30 days of the date of service of these Requests denying the following 19 (nineteen) facts are true and therefore the facts are not deemed to be true by default.

Date: June 12, 2016

For VideoKall, Inc



Charles E. Nahabedian
P.O. Box 60841
Potomac, MD 20859
Tel: 805-233-7844

CERTIFICATE OF SERVICE

I hereby certify that on June 12, 2016, I served the foregoing APPLICANT'S RESPONSE FIRST SET OF REQUESTS FOR ADMISSION FROM THE OPPOSER by e-mail and by depositing a true copy thereof in a sealed envelope, postage prepaid, in First Class U.S. Mail addressed as follows:

Lauren M. Gregory
SEYFARTH SHAW LLP
1075 Peachtree St. NE, Suite 2500
Atlanta, Georgia 30309

A handwritten signature in black ink, appearing to read "Charles E. Nahabedian". The signature is fluid and cursive, with a large, stylized "C" and "N".

Signed _____
Charlie Nahabedian, VideoKall Inc